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Letter dated 29 April 2004 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General

I have the honour to forward herewith a document from the Ministry of Foreign Affairs of Turkmenistan regarding the adoption, at the sixtieth session of the Commission on Human Rights, of a resolution entitled "Situation of human rights in Turkmenistan" (see annex).

I would be grateful if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 117 (c).

(*Signed*) Aksoltan **Ataeva**
Permanent Representative of Turkmenistan to the United Nations

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Annex to the letter dated 29 April 2004 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Concerning the adoption by the Commission on Human Rights of the resolution on the situation of human rights in Turkmenistan

The Turkmen Government expresses its utter incomprehension and concern over the adoption of the resolution on the situation of human rights in Turkmenistan by the Commission on Human Rights on 15 April 2004 during its sixtieth session.

The document reflects the very tendentious approach of the individual members of the Commission who initially formulated the issue, contains false information and ignores the positive advances that Turkmenistan continues to make in the implementation of human rights and freedoms.

In that connection, the Ministry of Foreign Affairs of Turkmenistan considers it necessary to point out that genuine guarantees are in place for ensuring the enjoyment of personal, political, economic, social and other rights of citizens in Turkmenistan. This has been reflected specifically in the laws and legal practices of Turkmenistan relating to the abolition of the death penalty; ban on house searches; prohibition against individual decisions in instituting criminal cases; documents on yearly, broad amnesties of convicts; and other documents and practical actions. There is nothing comparable to such instruments on the Asian continent.

There have been no arrests or convictions of citizens in Turkmenistan on political grounds, or for one's beliefs. Moreover, under conditions of political stability, all the conditions have been created for the active involvement of society in public activities and for the development of persons of every nationality and ethnic group living in the country. These opportunities are guaranteed by law, under which any violation of the rights of citizens on grounds of ethnicity is criminally punishable.

Furthermore, a system of social and economic guarantees has been established in the country, which is based on providing the population with energy resources free of charge such as gas, electricity and water as well as free education and medical care, provides for exempting citizens from paying most taxes, and establishes on the most favourable terms rent for housing, rates for services involving automobile, air and railway transport and other benefits.

At the same time, the Government of Turkmenistan is taking specific measures to develop activities in the area of the human dimension.

Such measures have been greatly enhanced by the steady growth of constructive dialogue between Turkmenistan and international organizations, particularly the United Nations, Organization for Security and Cooperation in Europe (OSCE) and others.

Just in the course of 2003, for example, Turkmenistan was visited by OSCE Chairman-in-Office Jaap de Hoop Scheffer; the Acting High Commissioner for Human Rights, Mr. Bertrand Ramcharan; the Personal Envoy of the OSCE Chairman-in-Office, Mr. Martti Ahtisaari; the OSCE High Commissioner on

National Minorities, Mr. Rolf Ekeus; United Nations Assistant Secretary-General Danilo Turk and several other high-level representatives and delegations of international organizations. They had the opportunity to meet with officials at the highest government level and also representatives of State bodies, public associations and citizens.

The written messages of the President of Turkmenistan to the Presidents of the European Union and European Commission unambiguously putting forward the idea of partnership with the Union in the area of human rights and freedoms convincing evidence of Turkmenistan's wish to enhance cooperation with international human rights organizations. In that connection the Head of the Turkmen State has invited the European Union delegation to visit Turkmenistan at any convenient time.

The Turkmen Government has engaged in constructive dialogue on the human dimension and undertaken a number of initiatives since the beginning of 2004 to expand contacts with various international organizations, which are now being actively carried out.

In particular, on 15 and 16 January 2004 a special meeting between the delegations of Turkmenistan and the European Union devoted to human rights took place in Brussels.

On 15 March 2004, on the initiative of the Turkmen Government, a group of experts from the Office of the United Nations High Commissioner for Human Rights visited Ashgabat for a week and studied the situation and opportunities for further development of cooperation between Turkmenistan and the Office of the High Commissioner.

On a visit to Turkmenistan on 8 and 9 April 2004, the OSCE Chairman-in-Office and Minister for Foreign Affairs of Bulgaria, Solomon Passy, noted the positive development of cooperation between Turkmenistan and OSCE.

Rolf Ekeus, the OSCE High Commissioner on National Minorities, plans to make his next visit to Turkmenistan this spring.

In addition to discussions on human dimension issues and developing a dialogue in that sphere, Turkmenistan has consistently taken specific steps to fulfil its international obligations in the area of human rights. For example, the requirement of authorization to leave the territory of Turkmenistan (exit visas) was abolished by a decree of the President of Turkmenistan of 8 January 2004.

On 9 March 2004 the President of Turkmenistan signed a decree on the protection of religious freedoms of citizens in Turkmenistan. This document provides for the registration of religious organizations and groups in the territory of Turkmenistan in accordance with generally recognized international norms regardless of their numbers, denomination or religion.

Turkmenistan's practical steps to meet its international obligations are also reflected in the national reports now being prepared by the Government of Turkmenistan on implementation of the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women.

The above-mentioned practical steps demonstrate Turkmenistan's sincerity and openness in its cooperation with international organizations, and information about

these measures has often been brought to the attention of the heads and representatives of the Office of the United Nations High Commissioner for Human Rights and also the States members of the Commission on Human Rights.

Against the background of such effective cooperation, the adoption of the above-mentioned resolution has been a matter of deep concern and incomprehension for the Turkmen Government. This has occurred under conditions in which the representatives of the countries that sponsored the resolution, including countries from the European Union, submitted such a proposal without having visited Turkmenistan or studied the situation on the ground.

The Government of Turkmenistan declares that the resolution of 15 April 2004 is biased and inaccurate.

In particular, the resolution notes alleged discriminatory practices towards ethnic Russian and other national minorities. In that regard, it should be said that in Turkmenistan citizen's equal rights and freedoms are guaranteed under the Constitution, as is the equality of citizens before the law, regardless of ethnicity, origin, property or official status, place of residence, language or one's attitude towards religion. Furthermore, any violation of the rights of citizens on ethnic grounds and any attempt to incite interethnic or interconfessional strife is a criminally punishable offence under the law.

Turkmenistan in the only State in the area of the former Soviet Union where there has not been a single instance of conflict on any grounds, including interethnic or interreligious ones.

Any citizen of Turkmenistan, regardless of ethnicity, may work, study and participate in government and public affairs according to that person's level of knowledge and abilities. Furthermore, the State fully guarantees the enjoyment of these constitutional rights of the citizens of Turkmenistan.

All conditions have been created in the country for preserving and developing the cultural and language traditions of all national minorities and ethnic groups living in its territory. The Government has strengthened and truly implemented the principle by which it protects the integrity of the historical and cultural heritage of national minorities and also equality between ethnic communities.

Turkmen general-education schools offer instruction in Turkmen, Russian, English, German and Turkish. All educational institutions receive comprehensive State support of their activities, including the provision of textbooks and methodology guides as well as training of administrators.

In the light of the above, the tendentious assertion regarding the attitude towards ethnic minorities in Turkmenistan is extremely perplexing.

The false information on discrimination on ethnic grounds has been disseminated by certain persons who have committed crimes in the territory of Turkmenistan and are now hiding from justice.

Turkmenistan notes that the text of the resolution conspicuously contains obvious contradictions. For example, while the preamble welcomes the decrees on abolishing exit visas and on religious freedom, the operative part of the resolution again calls upon the Government of Turkmenistan to ensure freedom of movement

and freedom of religion. Such an approach shows the hasty and superficial way in which the authors of the draft resolution dealt with those questions.

It is a cause for particular concern that the members of the Commission, having voted in favour of the resolution, do not have information on the real situation or the position of Turkmenistan on the issues considered in it. Among such issues is the provision of the resolution about granting representatives of the International Committee of the Red Cross (ICRC) access to detained persons.

In that regard, the Turkmen Government points out that Turkmenistan, in accordance with its international obligations is ready to grant ICRC representatives access to imprisoned persons, with the exception of criminals who have been convicted for terrorism and attempts to seize power by force or change the constitutional order of the country. Access to convicted terrorists is prohibited for five years in accordance with the law and court sentences. The Turkmen delegation has officially notified representatives of international organizations and foreign diplomats of this in the course of meetings on repeated occasions.

The provision in the resolution on alleged "arbitrary detention, imprisonment" and so on does not stand up to criticism either. The authors of the resolution do not cite a single concrete fact on that matter.

The Turkmen Government states that all legislation by law-enforcement agencies is conducted on the basis of the national legislation of Turkmenistan. Any groundless assertion on this question will be roundly refuted on the basis of the norms and rules of international law.

The paragraph in the resolution concerning the activities of public associations in Turkmenistan was patently ill-considered. The Law of Turkmenistan on Public Associations imposes no restrictions of any kind on their activities. The legal regulations in this area only govern the procedure for establishing and registering public associations of citizens in accordance with international practice. To date, Turkmenistan has registered more than 100 public associations, established under the law, which freely carry out their activities according to their statutory goals and tasks.

The above-mentioned biased provisions of the resolution logically lead the Turkmen Government to question the sources of information used in its drafting. It is obvious that the groups that initiated and lobbied for the adoption of the resolution had used the services of unfriendly and, at times, hostile elements, which out of base motives and mercenary interests have been trying unsuccessfully to undermine the authority of Turkmenistan on the international scene.

It is regrettable that the Commission on Human Rights is no exception, resorting to the services of such persons as it prepared documents on issues for consideration at a high international level.

In the light of the above, Turkmenistan states that, noting the inadmissibility of the one-sided approach to human rights questions, it does not recognize the resolution adopted on 15 April 2004 by the Commission on Human Rights and, in accordance with existing procedures, will raise the question of repealing it through higher United Nations bodies.